

**REMARKS**

Claims 8, 17, 23, and 26-29 are currently pending in the present application, with Claims 8, 17, 23 being amended. Reconsideration and reexamination of the claims, as amended, are respectfully requested.

The Examiner rejected Claims 8, 17, 23, and 26-29 under 35 U.S.C. 103(a) as being unpatentable over “Emagic Notator Logic Sequencing Software (Macintosh)” by Jim Aikin (hereinafter “Akin”), Blumenau (U.S. Patent No. 5,664,216) and Mandt (U.S. Patent No. 6,621,532). This rejection is respectively traversed with respect to the amended claims.

As previously communicated, the present invention is directed to a method and apparatus for editing performance data, such as performance data that can be used to generate musical tones. An important aspect of the editing feature is allowing a user to attach an execution icon to a layer on a screen so as to effective a particular type of articulation to musical tones to be generated. As previously argued, the articulation refers to specific performance techniques of musical instruments such as bend-up, choking, glissando, etc. The execution icon corresponds to execution-related data constructing a part of performance data.

The present invention as recited also allows a user to move the attached execution icon on the screen. Specifically, Applicants have amended the claims to further clarify the follow features:

- i) If the execution icon is moved outside of the window, the execution-related data corresponding to the moved execution icon is deleted from the performance data.
- ii) If the execution icon is moved close to an end of the window, a portion of the window is scrolled without deleting the execution-related data

Support for these features are found in the specification at paragraphs [0064] and [0067] of the published version of the present application – U.S. Patent Publication No. US2004/0094017.

These features allow the user to easily delete an execution icon by dragging it outside of the border of the displayed window, and, at the same time, allow a user to place the execution icon at a location on the music sheet that may not be displayed in the window by dragging and holding the icon at the edge of the window in order to cause automatic scrolling of the displayed music sheet until the desired icon location is displayed in the window. These features eliminate the need for a user to first separately scroll the window before placing the icon at the desired location on the music sheet.

without having to first scroll the window. .

None of Akin, Blumenau or Mandt contains any disclosure of the above-described features of the present invention.

As previous discussed, Akins discloses a sequencing software that can be graphically controlled on a display screen. In particular, Fig. 1 of Akins illustrates MIDI data (i.e., performance data) being recorded onto tracks in horizontal rectangles (shown in the window on the right), and display icons allowing a user to select musical instruments to be assigned to the tracks (shown in the window on the left). But there is no disclosure of suggestion of the above features (i) and (ii) in Akins.

As also previously discussed, Mandt discloses an invention directed at the improvement of an editing application software wherein a toolbar button and icon on a pull-down menu can be dragged and dropped and is thus moved in and out of a tool bar menu. In Mandt, what is removed from the tool bar menu is merely an icon, and is not any part of contents data being edited on the

application software. Furthermore, Mandt does not contain any disclosure or suggestion of the above features (i) and (ii).

Finally, Blumenau discloses software transforming audiovisual data by manipulating symbols or icons on a screen. Blumenau does not make up for the deficiencies of Akin and Mandt in that Blumenau also, among other things, does not contain any disclosure or suggestion of the above features (i) and (ii).

Hence, the references, even when combined, do not disclose or suggest the invention as claimed. Applicants respectfully submit that Claims 8, 17, 23, and 26-29 are therefore not obvious over Akin, Mandt and Blumenau.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 393032019712. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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